

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOSE CALVENTE,

Plaintiff,

-against-

SUFFOLK COUNTY CORRECTIONAL FACILITY,

Defendants.

ANSWER

15-cv-2024 (JFB)(ARL)

JURY TRIAL DEMANDED

Defendant, Suffolk County Correctional Facility, by its attorney, Dennis M. Brown, Suffolk County Attorney, by Arlene S. Zwilling, Assistant County Attorney, answering the plaintiff's complaint herein, respectfully alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to each and every factual claim contained within the sections of the complaint captioned "I, IV and IV. A" and refers all questions of law to the Court.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

2. That the complaint fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

3. That the damages sustained by plaintiff, if any, were caused by the plaintiff's own culpable and/or negligent conduct.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

4. That the complaint fails to set forth facts sufficient to constitute deprivation of any constitutional right or other basis for a civil rights claim.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

5. That no policy, statement, ordinance, regulation or decision officially adopted and/or promulgated by defendants or otherwise ratified by defendants authorized a deprivation of plaintiff's constitutional rights.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

6. That no custom or usage adopted, followed, endorsed or ratified by defendants authorized a deprivation of plaintiff's constitutional rights.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

7. That this Court lacks jurisdiction as to defendant

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

8. That this Court lacks subject matter jurisdiction.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

9. That plaintiff has failed to comply with the statutory conditions precedent to commencement of an action against municipal defendants as set forth in the New York General Municipal Law.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

10. That the defendants, at all times complained of, acted reasonably and in good faith in the discharge of their official duties and responsibilities.

11. That defendants acted in what they did solely pursuant to their duties and responsibilities as law enforcement and/or prosecuting officials.

12. That defendants at all times acted in good faith in that they reasonably believed that they were exercising and acting within their statutory and constitutional powers.

13. That in performing such duties and responsibilities, defendants are and were

protected by absolute and/or qualified Federal and/or State immunity.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

14. That this action is barred by the doctrines of qualified and/or absolute governmental immunity for discretionary acts.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

15. To the extent that the Complaint purports to set forth any supplemental state law claims, they are barred by the plaintiff's failure to comply with the statutory conditions precedent to commencement of an action against municipal defendants as set forth in the New York General Municipal Law.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

16. That this inmate claim is barred by the provisions of 42 USC §1997.

WHEREFORE, defendant demands judgment against the plaintiff dismissing the Complaint, together with the costs and disbursements of this action, and such other and further relief as this Court deems just and proper.

Dated: Hauppauge, New York
June 4, 2015

Dennis M. Brown
Suffolk County Attorney
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By: 

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Assistant County Attorney

To: Jose Calvente *Pro Se*
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